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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,784	02/20/2002	Terry L. Gilton	M4065.0482/P482	3635

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[REDACTED] EXAMINER

PHAN, TRONG Q

ART UNIT	PAPER NUMBER
2818	

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	10/077,784	GILTON ET AL.
	Examiner TRONG PHAN	Art Unit 2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 February 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 15-36, 38-64 and 66-85 is/are rejected.
- 7) Claim(s) 13,14,37 and 65 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: **140 in Fig. 1; C0 and C1 in Fig. 6; 304a in Fig. 8; 310 in Fig. 9; all elements in Fig. 10.** A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **Fig. 2 (lines 14 and 24, page 6); 364a (line 11, page 10); 206 (line 13, page 10); ROM 410 (line 17, page 14).** A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features as recited in claims 17-18, 30-31, 40-41, 52, 68-69 and 81-82 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 17-18, 30-31, 40-41, 52, 68-69 and 81-82 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

All the features as recited in claims 17-18, 30-31, 40-41, 52, 68-69 and 81-82 are not understood because they are not seen in the drawings of the present invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12, 15-36, 38-64 and 66-85 are, insofar as understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, 5,515,284, in view of Moore et al., 6,348,365.

Abe, 5,515,284, discloses in Fig. 4 a system comprising:

housing 1 including: microcomputer 2 and slot portion 5;  
IC memory card 6 of nonvolatile memory IC memory chip embedded in a resin card  
(see lines 43-45, column 3);

As shown in Fig. 6, microcomputer 2 including database control means 22 which serves as a read/write assembly;

Obviously, the system in Fig. 4 must have a control mechanism for holding and removing IC memory card 6 within and out of housing 1 and an internal alignment structure to align with database control means 22 for performing read/write operation.

What is not shown in Abe, 5,515,284, is the programmable conductor memory element as recited in claims 1-12, 15-36, 38-64 and 66-85.

Moore et al., 6,348,365, discloses in Figs 1-6 a programmable metallization cell (PMC) for a nonvolatile PCRAM device (see lines 16-18, column 1 and lines 21-24, column 2) comprising:  
conductive layers 12 and 61;  
chalcogenide-metal ion glass layer 51 containing a concentration of silver ions (see lines 46-49, column 3).

It would have been obvious under 35 USC 103(a) to one of ordinary skill in the art at the time of the invention was made to utilize the programmable metallization cell (PMC) for a PCRAM device in Figs. 1-6 of Moore et al., 6,348,365, for the IC nonvolatile memory 6 in Figs. 4 and 6 of Abe, 5,515,284, for the purpose of having a fast ion conductor to provide effective and reliable programming (see lines 34-38, column 1 of Moore et al., 6,348,365).

***Allowable Subject Matter***

8. Claims 13-14, 37 and 65, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown, 5,524,231, and Sinha, 6,511,906.

10. The information disclosure statement filed on 10/8/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because all recited references have not provided to the examiner. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (703) 308-4870. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (703) 308-4910. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 746-4021  
for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 308-  
0956.

*phantony*

**TRONG PHAN  
PRIMARY EXAMINER**

April 9, 2003